

March 24, 2006

### REMARKS

#### **Response to Requirement for an Election of Species**

Responsive to the election of species required in the Final Office Action, Applicants have elected by original presentation to prosecute the solvated coating species of the present invention, claims 1-6 and 8-13 readable thereon.

Instant claims 14 and 17-18 stand withdrawn from consideration by the Examiner as drawn to a non-elected species of the present invention.

Claims 1-6, 8-14 and 17-18 stand pending in the instant application.

#### **Rejections Under 35 USC §103(a)**

Claims 1-6 and 8-13 stand rejected under 35 USC section 103(a) as being obvious over Hoechst AG, JP 8-283621A (Hoechst), of record, in view of each of the BASF Technical Information Bulletin for Laropal™ A-81 and Laropal™ A-101 (BASF), of record. The Applicants respectfully traverse these rejections.

The rejection admits, Hoechst fails to provide thermoplastic binder reactive with phosphoric acid, as is instantly recited. Further, Hoechst fails to teach any oxygenated heterocyclic thermoplastic resin, as is instantly recited.

Contrary to the position taken in the rejection, there is no suggestion anywhere in Hoechst or BASF of motivation to combine the references and the references at best merely provide an invitation to experiment. See MPEP 2143.01.

In fact, Hoechst teaches away from the use of the BASF resins. Whereas Hoechst, in the only teaching of even arguably thermoplastics in paragraph [0023], directs one to add softening agents, each BASF reference on page 2 in "Application", 2<sup>nd</sup> paragraph, teaches that its compounds improve hardness. Accordingly, the combination urged by the rejection would improperly urge the ordinary skilled artisan to proceed contrary to the teachings of Hoechst. See MPEP 2145.X.D.2. Thus, the instant claims proceed contrary to the teachings of Hoechst, evidencing their nonobviousness. MPEP 2145.X.D.3.

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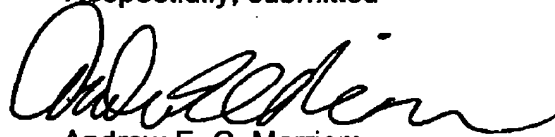
For all of these reasons, the Applicants respectfully request the reconsideration and the withdrawal of all rejections.

CONCLUSION

Based on the foregoing, the instant claims are believed to be in current condition for allowance. An early and favorable response is earnestly solicited. If the examiner has any questions problems concerning the instant application, (s)he is urged to contact the undersigned at the number given below.

No fees are believed due. In the event that any fees are found owing, please charge deposit account no. 18-1850.

Respectfully, submitted



Andrew E. C. Merriam  
Attorney for Applicants  
Registration No. 47,268  
Telephone (215) 592-6758

Rohm and Haas Company  
100 Independence Mall West  
Philadelphia, PA 19106